IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 14.07.2005

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice AR.RAMALINGAM

Writ Petition No.11261 of 2002

C.S.Manoharan ... Petitioner

vs.

1. The Secretary to the Government,
Home (Police III) Department,
Fort St. George,
Madras 600 009.

2. The Director General of Police,
Kamarajar Salai,
Chennai-4.

3. The Registrar,
State Administrative Tribunal,
Madras. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of writ of certiorarified mandamus to call for the order made in O.A. No.562 of 1997 dated 24.01.2002, confirming the order of the 1st respondent in No.G.O.2(D) No.181 dated 2.8.1996 passed by the Tamil Nadu Administrative Tribunal and quash the same and direct the 1st and 2nd respondents to include the name of the petitioner fit for promotion as Inspector of Police in the 'C' List in the panel 1993-94 with all attending benefits in the appropriate place.

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For Petitioner : Mr.N.Anand Venkatesh

For R-1 & R-2 : Mr.Suresh Viswanath
Government Advocate.

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O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

Aggrieved by the order of the Tamil Nadu Administrative Tribunal, Madras, dated 24.01.2002, made in O.A. No.562 of 1997, the petitioner has filed this Writ Petition.

2. Heard learned counsel for petitioner as well as learned Government Advocate for respondents-1 and 2.

3. According to the petitioner, at the time of filing of the Writ Petition, he was working as Inspector of Police, Prohibition Enforcement Wing, Jayamkondam, Ariyalur. He got promotion as Inspector on 23.09.1994 and confirmed as Inspector on 23.9.1996. He was eligible to include his name in the 'C' list panel for promotion as Inspector during the period 1993-1994 in the list of Sub Inspector, which was not considered by the competent authority, however, his name was included only in the next year, namely, 1994-1995. He preferred an appeal to the first respondent/Government for inclusion of his name in the 'C' list for promotion as Inspector. His claim was rejected in G.O.2(3) No.181 dated 2.8.1996. In the meanwhile, against the postponement of increment for one year without cumulative effect issued by the Deputy Superintendent of Police, he preferred an appeal to the Superintendent of Police, who, by an order dated 18.8.1994, modified the punishment of postponement of increment into that of censure deferred for six months to be spent on duty. Questioning the rejection order of the Government, dated 2.8.1996, the petitioner approached the Tamil Nadu Administrative Tribunal by filing O.A. No.562 of 1997. By the impugned order dated 24.1.2002, the Tribunal, after considering the claim of the applicant as well as the order of the Government, and after finding that non-inclusion of his name is reasonable, dismissed the said application, hence, the present Writ Petition before this Court.

4. It is not in dispute that even if we consider the order of the Superintendent of Police, dated 18.08.1994, namely, modifying the earlier punishment of postponement of increment into that of censure deferred for six months to be spent on duty, the fact remains, at the relevant time of consideration, the petitioner was having punishment to his credit. It is also not in dispute that during the same period, he was reprimanded twice on 3.07.1993. These aspects were duly considered by the Government as well as the Tamil Nadu Administrative Tribunal while rejecting the request of the petitioner.

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5. No doubt, learned counsel for the petitioner would submit that inasmuch as the Department has considered the claim of the persons having grave charges pending against them at the relevant time and included their names in the 'C' list, the claim of the petitioner ought to have been considered. Admittedly, though certain details have been furnished in the representation to the Government, before the Tribunal, except making a general allegation that some of his batchmates, who were having certain charges pending against them, have also been included in the 'C' list, no details have been given. Likewise, even before us, admittedly, those persons have not been impleaded as party-respondents. In such circumstances, we are unable to accept the said contention. Inasmuch as the Government as well as the Tribunal arrived at the finding that the petitioner was having currency of punishment at the relevant time and for that reason his name was not included in the 'C' list, in the absence of any other material, we do not find any valid ground for interference.

6. Writ Petition fails and the same is dismissed. No costs.

14.07.2005.

JI.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to the Government, Home (Police III) Department, Fort St. George, Madras 600 009.

2. The Director General of Police,
Kamarajar Salai, Chennai-4.

3. The Registrar, State Administrative Tribunal,
Madras.

1 cc to the Government Pleader, SR.28893
1 cc to Mr.N.Anand Venkatesh, Advocate, SR.28767

pv (co)

dv WP No.11261 of 2002.

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